



An
Bord
Pleanála

Inspector's Report PL04.248909

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| Development | Extension to existing timber frame building manufacturing facility. |
| Location | IDA Industrial Estate, Coolcour, Macroom, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 17/04947 |
| Applicant | CYGNUM Timber Frame |
| Type of Application | Permission |
| Planning Authority Decision | Grant subject to conditions |
| Type of Appeal | 1 st Party v. financial condition |
| Appellant | CYGNUM Timber Frame |
| Observer(s) | None |
| Date of Site Inspection | None |
| Inspector | Pauline Fitzpatrick |

1.0 Site Location and Description

- 1.1. The site is located within the IDA Industrial Estate in Coolcours c 1.7km to the south-east of Macroom. The premises is occupied by CYGNUM Timber Frame which has a stated floor area of 3640 sq.m. comprising of manufacturing and ancillary facilities including offices. Currently the majority of materials are stored outdoors.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 19/04/17 with further plans and details received 16/06/17 following a further information (FI) request dated 08/06/17.
- 2.2. The proposal seeks permission for a 3760 sq.m. extension to the existing facility for the purposes of storage of materials associated with the timber frame building manufacturing. There will be no increase in staffing or vehicular movements.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 15 conditions.

Condition 2 requires a €61,363.20 financial contribution in accordance with Section 48 of the Planning and Development Act, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Executive Planner's report dated 08/06/17 recommends further information with respect to firefighting facilities and external finishes. The 2nd report dated 03/07/17 following the further information response recommends a grant of permission subject to 15 conditions.

3.2.2. Other Technical Reports

Area Engineer has no objection.

Environment Section has no objection subject to conditions.

Fire Officer recommends that details on fire fighting facilities be sought prior to a decision being made. The 2nd report following FI notes that the existing fire fighting water supply would appear to be acceptable

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

None

4.0 Planning History

81/1212 – Outline permission granted for an industrial development on a c. 16 acre site.

Condition 6 required a financial contribution of £1,000 per acre towards the carrying out of road improvements. Condition 7 required a contribution towards water supply facilities

82/814 – permission granted for site development works.

Condition 5 required a contribution towards water supply facilities

048986 – permission granted for a factory building on the appeal site. Condition 5 required a €240,000 financial contribution in accordance with the section 48 development contribution scheme. The applicant appealed this condition under ref. PL04.211185. The Board decided that the scheme was improperly applied as a contribution for water had been previously applied and directed that the condition be amended with a contribution of €119,901.60 stipulated.

5.0 Development Plan

The site is within the 'existing built up area' as identified in the Cork County Development Plan and Macroom Electoral Area LAP 2011.

5.1. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is against condition 2, only, which requires a development contribution of €61,363.20. It is contended that the planning authority has not had due regard to the planning history on the site, that all levies have been paid, and that no contribution should apply.

Planning History

- Financial contributions were attached by way of conditions 6 & 7 to the outline permission for the industrial site under reference number 81/1212 for road improvements and water supply facilities. The £1000 per acre contribution towards roads improvements was paid by the IDA. The site subject of the application had a stated area of 16 acres.
- A financial contribution towards water supply facilities was attached by way of condition to the permission for industrial site development works under ref. no. 82/814. The agreed amount of £4000 was paid by the IDA.
- The applicant secured permission for its facility within the said serviced industrial lands under ref. 048986. Condition 5 required a financial contribution of €240,000 in accordance with the Section 48 contribution scheme. This reflected the omission of the roads element relevant to the 3.5 acre site which was paid by the IDA under ref. 81/1212 (paid for the 16 acre site in totality). The applicant appealed the said condition as it was of the opinion that the levy towards water supply had previously been paid by the IDA under reg.ref. 82/814. The Board in its decision under ref. PL04.211185 considered that the contribution scheme had not been properly applied as the contribution for water had been previously applied. It directed that condition 5 be amended accordingly. The contribution as amended applied to sewerage and amenity.

6.2. **Planning Authority Response**

No response received.

6.3. **Observations**

None

7.0 **Assessment**

The proposal seeks permission for a 3760 sq.m. extension to the existing facility for the purposes of storage of materials associated with the timber frame building manufacturing. There will be no increase in staffing or vehicular movements.

The current appeal is made under Section 48(10)(b) of the Planning and Development Act, 2000, as amended. Consequently, the question to be addressed is whether the terms of the development contribution scheme have been properly applied by the planning authority in its imposition of condition No. 2 only.

My assessment is based on the information attached to the file. The grounds of appeal were circulated to the planning authority but no response was received within the appropriate time period.

The Cork County General Development Contribution Scheme 2015 pertains in which the applicable contribution for 'other non-residential uses' is €16.32 per sq.m. This figure is made up of €14.29 per sq.m. for roads and €2.03 per sq.m. for amenity. As the responsibility for sanitary services and water is now under the remit of Irish Water a financial contribution towards same has been omitted from the scheme.

As noted by the applicant the IDA, in securing outline permission for the industrial estate and subsequent site development works under planning reference numbers 81/1212 and 81/1212, paid financial contributions towards roads and water supply facilities. In this regard I note that in response to condition 6 of 81/1212, £1000 per acre (16 acre site) was paid towards expenditure incurred by the Council in the carrying out of road improvement works to service the area. £4000 was paid on foot of condition 5 attached to ref. 81/1212 towards expenditure incurred by the Council in the development of public water supply facilities which facilitated the development.

I note that the Council, in its adjudication of the application for the factory building on the subject site under ref. 048986, had due regard to the above payment made towards roads and considered that the financial obligations arising from the Development Contribution Scheme in terms of the roads requirements had been met. The Board, in its subsequent adjudication of the condition (no.5) following the 1st party appeal, accepted the Planning Authority's reasoning in terms of roads and considered the same to be applicable in terms of water. The Board directed the planning authority to amend the condition so that the contribution levied pertained to sewerage and amenities only.

I therefore consider that precedent has been set. Thus having regard to the current Development Contribution Scheme I submit that the financial obligations with regards to roads have been met and I recommend that this element of the calculation be omitted.

The outstanding provision pertains to amenity. The appellant argues that there should be no financial levy as a contribution was paid under the permission for the original factory building (file ref. 048986). There is no provision in the contribution scheme that appears to allow for an exemption of such a payment on an extension where a payment was made on the parent building. The levy is calculated on the basis of floor area and not by site area or by use. I therefore consider that this element of the development contribution is applicable.

I therefore calculate that the contribution applicable is as follows:

$$3769 \text{ sq.m.} \times \text{€}2.03 = \text{€}7,651.07.$$

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend that the planning authority be directed to AMEND condition 2 for the following reasons and considerations.

CONDITION 2:

The developer shall pay to the planning authority a financial contribution of €7,651.07 (seven thousand, six hundred and fifty one euro and seven cent) in respect of amenity facilities benefiting development in the area of the planning

authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS

It is considered that the planning authority did not properly apply the terms of the Cork County Development Contribution Scheme 2105 as a contribution for roads had been previously applied. Condition number 2 of the permission granted under planning register reference number 17/04947 should be amended accordingly.

Pauline Fitzpatrick

Senior Planning Inspector

October, 2017